

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Alton Coal Development/Coal Hollow Mine
Permit #: C/025/005

NOV # 10085
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: Inspection and/or paperwork associated with First Quarter 2011 Excess Spoil Pile were not conducted and/or available for review by the assigned Division Inspector during the field inspection.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: From communication with the resident agent, Kirk Nicholes it did not appear that they (Company/Operator/Permittee) knew that an inspection on a quarterly basis by a Registered Professional Engineer was required. The regulations as well as the commitment in their Mining and Reclamation Plan was reviewed during the inspection.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Commitment to inspect quarterly by a Register Professional Engineer in the State of Utah for Excess Spoil Pile is contained in the MRP on Page 5-6, paragraph 2 (titled 514.110)

**Hindrance to Enforcement
Inspector's Statement**

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- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Operator/Permittee submitted a report cover, title page and photos of Excess Spoil Pile that are part of an P.E. Report electronically May 27, 2011 in hopes that this information would satisfy the requirements. The information was submitted after issuance of the violation and violation termination and did not contain any narrative of the foundation preparation or stability of the structure. The information was not submitted promptly after the report was generated or photos were taken as required by regulation. The information was incomplete. Efforts were made by the Company/Permittee after the violation was issued to satisfy the requirements but information fell short of the requirements.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Karl R. Hauskeeper
Authorized Representative

Karl R. Hauskeeper
Signature

May 31, 2011
Date